



Patent
Attorney's Docket No. 00380-816

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
Johan STENFLO)	Group Art Unit: 1641
Application No.: 09/890,949)	Examiner: Changhwa J. Cheu
Filed: September 10, 2001)	Confirmation No.: 9510
For: MONOCLONAL ANTIBODY)	
)	
)	
)	

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is also enclosed.
- ☐ A Terminal Disclaimer and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee due under 37 C.F.R. § 1.20(d) are also enclosed.
- ☐ Also enclosed is/are _____.
- ☒ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$385.00 (2801) ☐ \$770.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted ___, on ___, for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least ___, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.
- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADD'L FEE
Total Claims	24	MINUS 24 =	0	× \$18.00 (1202) =	0.00
Independent Claims	1	MINUS 3 =	0	× \$86.00 (1201) =	0.00
If Amendment adds multiple dependent claims, add \$290.00 (1203)					
Total Claim Amendment Fee					0.00
If small entity status is claimed, subtract 50% of Total Claim Amendment Fee					
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					0.00

☐ A total fee in the amount of \$ _____ is enclosed.

☐ Charge \$ _____ to Deposit Account No. 02-4800.


The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: November 3, 2003

By:


Deborah H. Yelkin
Registration No. 45,904

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Patent #9. 11/6/03
Attorney's Docket No. 003300-816

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)

Johan STENFLO)

Application No.: 09/890,949)

Filed: September 10, 2001)

For: MONOCLONAL ANTIBODY)

Group Art Unit: 1641

Examiner: Changhwa J. Chen

Confirmation No.: 9510

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In complete response to the Restriction Requirement set forth in the Official Communication mailed on October 3, 2003 (Paper No. 8), Applicants hereby elect with traverse the claims of **Group II** (Claims 1-7, 15-16, 20-21 and 24-25), which are drawn to an antibody, the method of making said antibody and method of using said antibody.

37 C.F.R. § 1.475 and MPEP § 1893.03(d) indicate that with regard to a national stage application (filed under 35 U.S.C. § 371), as with the present application, unity of invention is fulfilled when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. Thus, even if a group of inventions is claimed, a restriction for lack of unity of invention should not be made unless the claims lack the same or corresponding special technical features.

Applicants respectfully traverse the restriction requirement as set forth in the Office Action. Applicants respectfully submit that the inventions of Groups I – III should properly be examined together. Applicants note that the inventions of Groups I - III are closely related, and share a same corresponding technical feature: that of a monoclonal antibody suitable for monitoring the protein C inhibitor. Thus, a proper search of any of the claims should, by necessity, require a proper search of the others.

Thus, Applicants submit that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained. Applicants submit that any nominal burden placed upon the Examiner to search accordingly to determine the art relevant to Applicants' overall invention is significantly outweighed by the public's interest in not having to obtain and study many separate patents in order to have available all of the issued patent claims covering Applicants' invention.

Regardless of whether the two inventions are independent or distinct, Applicants respectfully assert that the Examiner need not have restricted the application. MPEP § 803 requires that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Therefore, it is not mandatory to make a restriction requirement in all situations where it would be deemed proper.

Applicants have no intention of abandoning any non-elected subject matter and should it be necessary, Applicants expressly reserve the right to file one or more continuation and/or divisional applications directed to non-elected subject matter.

Accordingly, for at least all of the reasons set forth above, withdrawal of the requirement for restriction is requested and believed to be in order. Further and favorable consideration of all of the claims of records on the merits is respectfully requested.

In the event that there are any questions relating to this Response to Restriction Requirement, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: November 3, 2003

By: 

Deborah H. Yelkin
Registration No. 45,904

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